

10/718,979

- 2 -

138303-1

REMARKS

This is in response to the Final Office Action of November 8, 2005 and the Advisory Action of January 18, 2006. Applicants respectfully request reconsideration.

Applicants thank the Examiner for the prompt response to the Amendment of January 6, 2006. In the Advisory Action, the Examiner stated that the reply would overcome the objection to claim 9 and the rejection of claims 15 to 17 under 35 U.S.C. 102(b). Claims 1 to 8, 10 to 14, 17 to 19 and 22 to 26 remain rejected under 35 U.S.C. 103(a). This response is directed to the comments in the Advisory Action of January 18, 2006.

In the Advisory Action, the Examiner stated that the response does not place the application in condition for allowance because “[a]ny possible unexpected results for compositions sterilized by irradiation are not relevant to the claims being examined. The claims are directed to compositions/articles prior to sterilization by irradiation.”

Applicants respectfully disagree with the Examiner and submit that the unexpected results are relevant. Although the claims are directed to compositions or articles, as stated by the Examiner, the claims are directed to compositions or articles having a particular property or feature that is being claimed. The property of the composition or article (which comprises a block copolyarylestercarbonate and a particular ionizing radiation stable additive) is that a molded sample of the composition has a yellowness shift of less than 40 yellowness index units after sterilization with 75 kGY of ionizing radiation (claim 1).

Applicants respectfully submit that the composition or article being claimed is not disclosed by the references cited by the Examiner. Applicants respectfully submit that WO 00/26275 does not suggest adding an ionizing radiation stabilizing additive to the composition, but instead, at page 24, line 23, WO 00/26275 suggests a long list of additional materials that may be added to the composition, including stabilizers generally. Therefore, Applicants respectfully submit that contrary to the Examiner's

10/718,979

- 3 -

138303-1

assertions, there is no motivation or teaching to substitute the stabilizers of either 4,880,850 or EP438763 to the composition of WO 00/26275 to improve ionizing resistance since WO 00/26275 does not contemplate ionizing stable additives at all.

Applicants' claims 1, 13, 14, 17 and 19 claim that the shift in YI of a molded sample of the composition (or the medical device or article) is less than a certain amount after radiation. None of the references, taken alone or in combination, contemplate or show this limitation.

For the reasons previously discussed, Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1 to 8, 10 to 14, 17 to 19 and 22 to 26 under U.S.C 103(a).

The examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the objected and rejected claims, claims 1 to 8, 10 to 14, 17 to 19 and 22 to 26. Applicants respectfully request allowance of claims 1 to 8, 10 to 14, 17 to 19 and 22 to 26, the claims currently pending.

Respectfully submitted:
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